

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**REGINALD DUNAHUE
ADC #106911**

PLAINTIFF

v.

No. 2:18-cv-103-DPM

**WENDY KELLEY, Director, Arkansas
Department of Correction; MARSHALL
D. REED, Chief Deputy, Arkansas Department
of Correction; JEREMY C. ANDREWS, Warden,
EARU, ADC; JAMES DYCUS, Deputy Warden,
EARU, ADC; DAVID KNOTT, Major, EARU,
ADC; and STEPHANIE PALMER, Sergeant,
East Arkansas Maximum Security Unit, ADC**

DEFENDANTS

ORDER

Dunahue has filed a *pro se* motion asking that I relieve and replace his appointed counsel. He has also written me a letter about this. See the sealed attachment. And he asks for a hearing. Magistrate Judge Harris denied a similar motion.

First, the Court warns Dunahue not to use profanity again in papers sent to the Court. If he does so, the Court will consider sanctions.

Second, as Magistrate Judge Harris held, Dunahue does not have a right to counsel in this civil case. And he does not get to pick which lawyer is appointed for him. The Court appointed counsel because

we're going to have a trial. Dunahue would be better off with a lawyer, but the Court is not going to force him to have one.

Third, it is clear that Dunahue is dissatisfied with appointed counsel. The Court therefore converts her to stand-by status. Dunahue will proceed *pro se* once again. He must familiarize himself with the Rules of Civil Procedure, Rules of Evidence, the Court's Final Scheduling Order (enclosed), *Doc. 203*, and all other applicable Rules. He must follow theses Rules and the Court's Orders. And Dunahue must get his case ready for trial.

Fourth, this case is set for a jury trial because the defendants have requested one. They have the right to a jury if they want one.

Fifth, there is no need for a hearing.

Motion, *Doc. 204*, granted as modified. Motion, *Doc. 205*, denied.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

30 January 2023